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## PROVIDER BULLETIN

Number 03

<http://dmh.mo.gov/dd/>

Effective Date: 7/15/2015

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# INDIVIDUAL / GUARDIAN SIGNATURES ON ISP'S

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IN ACCORDANCE WITH 42 CFR 441.301 (2) (ix):

[http://www.ecfr.gov/cgi-bin/retrieveECFR?n=42y4.0.1.1.10#se42.4.441\\_1301](http://www.ecfr.gov/cgi-bin/retrieveECFR?n=42y4.0.1.1.10#se42.4.441_1301)

- 1) CMS requires that any Individual Support Plan that uses federal Medicaid funding for services be developed and approved, in writing, by the individual or guardian.
- 2) Any service provision funded by Medicaid that does not include this written consent would be subject to a finding of non-compliance upon review, including an order to reimburse Medicaid for the federal match for those services.
- 3) In addition, failure to meet this standard could potentially be cause for termination of the waivers themselves.

**ONLY THOSE PLANS MAY BE APPROVED WHICH INCLUDE THE SIGNED CONSENT OF THE INDIVIDUAL OR GUARDIAN.**

- 1) Any amendment that includes a new, modified, or deleted service must be signed.
- 2) Amendments that do not include a change in services do not require a new signature.
- 3) E-mail communication from the individual or guardian explicitly approving the new service could be accepted as written approval.

**THE INDIVIDUAL OR GUARDIAN SIGNATURE MUST BE OBTAINED PRIOR TO THE PLAN BEING IMPLEMENTED.**

- 1) In the event that obtaining the written consent of an individual or guardian is truly impractical, a Regional Director or designee may approve an exception to this rule.
- 2) Prior to submission to the Regional Director or designee for an exception, all of the following steps must be completed, including:

- a) At least two attempts to obtain the signature must be documented.
    - i. One attempt must be either by phone or by e-mail,
    - ii. Second attempt must be documented through certified mail, return receipt for merchandise.
  - b) A justification must be attached to the ISP describing these and any other efforts made by the TCM provider to obtain written consent for the services.
- 3) Granting an exception should be an unusual event. The Regional Director or designee may grant the request for exception or may require additional efforts to be made by the Support Coordinator.
  - 4) The Regional Director or designee will send a copy of the exception form to the provider.